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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,228	10/06/2003	Darrin Eugene Smith	3918-0156P	1580

2292 7590 06/02/2006

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EXAMINER	
BLAKE, CAROLYN T	

ART UNIT	PAPER NUMBER
3724	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/678,228	SMITH, DARRIN EUGENE	
	Examiner	Art Unit	
	Carolyn T. Blake	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 20, 2006 has been entered.

2. The objection to the drawings has been withdrawn in view of the amendment.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

4. Claim 1 is objected to because of the following: It is unclear which structures are intended to be claimed in combination. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 18, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Berkel (2,196,371).

Van Berkel discloses a combination as claimed. See the Figure A below.

Regarding claim 18, a first direction can include one in which the work piece is beginning to touch the cutting tool, and a second direction can include one in which additional movement toward the cutting occurs after several slices of the work piece have be cut.

Regarding claim 23, the backing block and rotary element are separable components, and thus can be considered "releasably slidable."

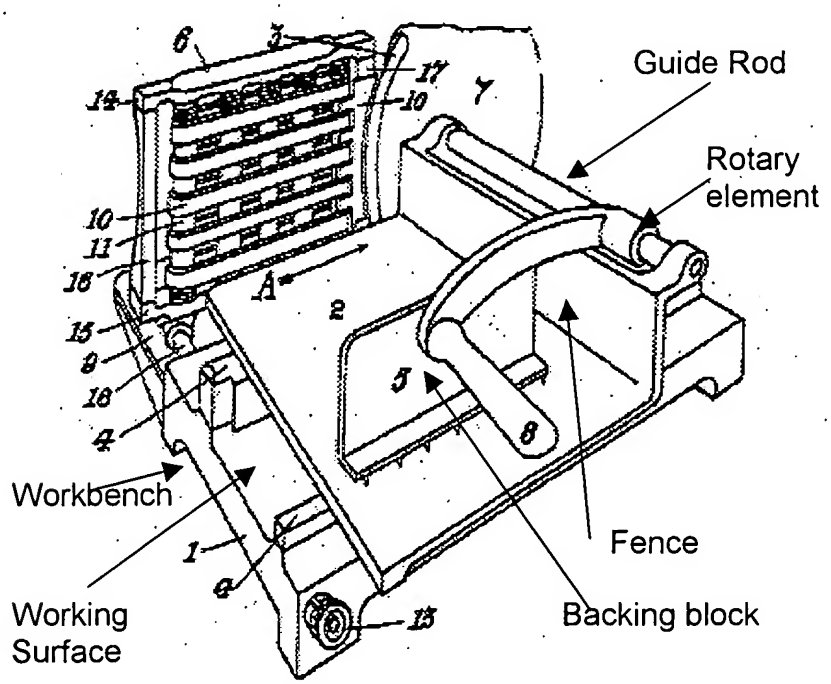

FIG A: US Patent 2,196,371 to Van Berkel, FIG 1. Lead lines and words added by the examiner.

Claim Rejections - 35 USC § 103

7. Claims 18-20, 23-25, 29, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denman (5,662,019) in view of Hedgpeth (2,237,556).

Denman discloses a combination substantially as claimed, comprising: a fence (20); movable across and relative to a working surface (16) or a workbench (14); a cutting tool (12); and a guide having a base (36) and a backing block (42). Denman fails to disclose a rotary element as claimed. However, Hedgpeth discloses a rotary element (24) having a backing block (98). The rotary element allows for angular adjustment of the work piece being cut. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a rotary element, as disclosed by Hedgpeth, on the Denman base for the purpose of angular adjustment of the work piece during cutting.

Regarding claim 19, Denman discloses the guide rod is movable relative to said working surface. See arrows 22.

Regarding claim 20, Hedgpeth discloses means (56) for releasably preventing said rotary element (24) from rotating relative to said base.

Regarding claim 23, Hedgpeth discloses the backing block (98) is releasably slidable relative to said rotary element (24).

Regarding claim 24, Hedgpeth discloses the rotary element (24) is no lower than the base and the base has a lower wall which is spaced above said working surface.

Regarding claim 25, Hedgpeth discloses the rotary element (24) has a scale (72) for measuring the angle of the element relative to a given line of reference.

Regarding claim 29, Hedgpeth disclose a scale (72) to permit fine adjustment.

Regarding claim 34, Denman discloses the cutting tool(12) is within the working surface (16) or the workbench (14).

8. Claims 21, 22, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denman in view of Hedgpeth as applied to claim 20 above, and further in view of Yerk (2,056,552).

The modified Denman device teaches a device substantially as claimed including a stop (32, 34), but fails to disclose a slider. Yerk discloses a slider comprises a sliding tube (bearing 71), wherein the sliding tube decreases friction and allows the sliding member to be more easily moved. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a sliding tube, as taught by Yerk, on the modified Denman device in order to more easily move the base.

9. Claims 27, 28, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denman in view of Hedgpeth as applied to claim 18 above, and further in view of Fontaine.

The modified Denman device teaches a device substantially as claimed, but fails to disclose a detent. However, Fontaine discloses a guide for controlling

the angle of stock wherein a rotary element (14) is provided with a detent (32) which causes said rotary element to move in predetermined increments as it rotates. Furthermore, Fontaine discloses means for disengaging said detent (32). See col. 3, lines 22-42. The detent comprises a ball (52) biased by resilient means (spring) into contact with said rotary element (14), said rotary element (14) having a plurality of openings (32a, 32b, etc.) each of which being adapted to receive said ball (52), said ball (52) received in any one of said openings (32a, 32b) serving to inhibit the rotation of said rotary element (14) relative to the base. Fontaine discloses a plate pivotal from a detent-disengaging position in which said plate prevents said ball (52) from entering said openings (32a, 32b) to a detent-engaging position in which said ball (52) is free to enter said openings (32a, 32b). The detents (32) act as stops for limiting plate pivot. The detent mechanism allows the operator to choose a particular angle and lock the angle choice in place. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a detent mechanism, as disclosed by Fontaine, on the Hedgpeth device for the purpose of choosing a particular angle.

Response to Arguments

10. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sorensen (3,512,563) and Schnell (4,485,711) are cited as references of interest.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB
May 24, 2006

KENNETH E. PETERSON
PRIMARY EXAMINER